REMARKS/ARGUMENTS

Applicant thanks the Examiner for Final Office Action mailed November 24, 2006. The status of the application is as follows:

- Claims 1-3, 5, 13-15, and 17-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (US 5,953,013) in view of Kaji (US 6,501,468).
- Claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu in view of Kaji and in further view of Lorenson et al. (US 5,611,025).
- Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu in view of Kaji and in further view of Orgino (US 6,762,794).
- Claims 8 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu in view of Kaji and in further view of Palm (US 5,748,199).
- Claims 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu in view of Kaji in view of Palm and in further view of Chiu (US 5,606,348).
- Claim 12 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu in view of Kaji and in further view of Chiu.
- Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu in view of Kaji and in further view of Holbrook ("Three-Dimensional Stereographic Visual Displays Marketing and Consumer Research").

The rejections to the claims are discussed below.

Claims 1-3, 5, 13-15, and 17-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (US 5,953,013) in view of Kaji (US 6,501,468).

Independent claims 1 and 13 recite a method of visualising an internal hollow organ including, *inter alia*, calculating an image for the left eye from a first view point and an image for the right eye from a different view point, wherein the view points have view directions that are essentially parallel to each other. The Office Action concedes that Shimizu does not teach or suggest view points having view directions that are

essentially parallel to each other and attempts to remedy this deficiency with Kaji. However, Kaji teaches away from the suggested modification to Shimizu.

In particular, Shimizu discloses constructing an image representative of the inside of an organ as observed with an endoscope near the internal surfaces of the organ using a technique in which the left and right view points meet and cross. Kaji is directed towards a head mount display for viewing digital images. Kaji discloses that fixing the line of sight directions for the left and right eyes parallel to each other creates an unnatural feeling for human perception or a sense of incongruity when observing an object from a distance near to the object. (See column 3, line 65 – column 7, line 3). As a consequence, Kaji likewise teaches directing lines of sight for the left and right eyes so that they meet (and, thus, are not parallel) at the same point on a line. (See FIG. 3, and column 6, lines 1-5).

Hence, Kaji teaches away from the modification to Shimizu that is suggested in the Office Action, and it is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, (Fed. Cir. 1983). See MPEP §2145, X. Accordingly, this rejection should be withdrawn.

Claim 2 further recites that one of the first and the second view points lies on the view path. As noted in the response to the Office Action dated July 17, 2006, Shimizu discloses monoscopically stepping through an image by moving a single view point used for both eyes along a view line and stereoscopically stepping through an image by moving two view points (one for each eye), which are shifted off of the view line, in unison along the view line. Thus, Shimizu discloses a monoscopic technique and a stereoscopic technique for stepping through an image.

However, there is no teaching, suggestion or motivation in Shimizu to combine the monoscopic and stereoscopic techniques to teach the subject claims. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the reference or in the knowledge generally

available to one of ordinary skill in the art. See MPEP §2143.01. The mere fact that the reference can be modified does not render the result obvious unless the prior art also suggests the desirability of the modification. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990). See MPEP §2143.01. Accordingly, this rejection should be withdrawn.

Claims 3 and 5 depend from independent claim 1, and **claim 14, 15, and 17-20** depend from claim 13. By virtue of their dependency, these claims are allowable for at least the reasons discussed above in connection with claims 1 and 13. Thus, the rejection of claims 3, 5, 14, 15, and 17-20 should be withdrawn.

Claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu in view of Kaji and in further view of Lorenson et al. (US 5,611,025). Claim 4 depends from claim 1, and by virtue of this dependency, claim 4 is allowable for at least the reasons discussed above in connection with claim 1. Accordingly, this rejection should be withdrawn.

Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu in view of Kaji and in further view of Orgino (US 6,762,794). Claim 6 depends from claim 1, and by virtue of this dependency, claim 6 is allowable for at least the reasons discussed above in connection with claim 1. Therefore, the rejection of claim 6 should be withdrawn.

Claims 8 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu in view of Kaji and in further view of Palm (US 5,748,199). Claims 8 and 9 depend from claim 1, and by virtue of their dependency, these claims are allowable for at least the reasons discussed above in connection with claim 1. Accordingly, this rejection should be withdrawn.

Claims 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu in view of Kaji in view of Palm and in further view of Chiu (US 5,606,348). Claims 10 and 11 depend from claim 1, and by virtue of their dependency, these claims are allowable for at least the reaons discussed above. Therefore, this rejection should be withdrawn.

Claim 12 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu in view of Kaji and in further view of Chiu. Claim 12 depends from independent claim 1. By virtue of this dependency, claim 12 is allowable for at least the reasons discussed above. It is respectfully requested that this rejection be withdrawn.

Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu in view of Kaji and in further view of Holbrook ("Three-Dimensional Steriographic Visual Displays Marketing and Consumer Research"). This rejection should be withdrawn since claim 16 depends from independent claim 1, which is allowable for at least the reason set forth above. Accordingly, this rejection should be withdrawn.

Conclusion

In view of the foregoing, it is submitted that claims 1-6 and 8-20 distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,
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